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Morrison & Miller,

Solicitors of Patents,

Rockford, Illinois.

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A Book of Information and Advice
FOR INVENTORS.

MORRISON & MILLER,
SOLICITORS OF
AMERICAN AND FOREIGN PATENTS,
ATTORNEYS AND COUNSELORS IN PATENT CAUSES,
ROCKFORD, ILLINOIS.

INTRODUCTION.

WE present this book to the inventor for the purpose of making new acquaintances and renewing and retaining old ones. To our old friends and clients, and they are many, we need no word of introduction; the new friends we would refer to the old ones, to our past long and successful career in Patent Office Practice and before the Courts in Patent Causes, promising for the future the same faithful service which has won our success in the past. Our extensive experience in the matters to which this book relates, together with a careful regard for the interests of all our clients, both new and old alike, and a diligent attention to the business entrusted to our care are among the claims which we urge for your favorable consideration, believing that you will have no cause to regret the selection if we are favored with your business.

In conclusion, we would state that we are attorneys licensed to practice in all the courts, and are regularly registered solicitors and attorneys in the Patent Office.

MORRISON & MILLER.

PATENTS.

INVENTION.

Invention is a gift, a talent, and like other talents is often so much neglected that its possessor does not suspect its presence—but it may be cultivated, a careful observation of the common things of every day life, and noting where improvements are needed, are steps in the right direction. Listen to the complaints about the defects of this thing and that, and then attempt to obviate the objection. A little study, a little thought, an experiment, and perhaps you have accomplished it, if not at first, try again; persistent effort will accomplish almost any task, persevere and you will win success.

Seldom, perhaps never, did the human brain conceive an invention complete in every part, but like the dream of an artist it unfolds in shadowy outline upon the canvas of the mind, while patient toil and careful study supply the detail and create a harmonious whole.

HOW TO APPLY FOR A PATENT, BRIEFLY TOLD.

1. Send us sketches or rough model and full description of invention and remit.....$25 00
2. Sign and return papers when prepared and sent to you by us, and remit the further sum of..... 20 00

Total cost of application..... ..... $45 00

We will attend to all details, see that your application is properly filed in the Patent Office and prosecute it to a conclusion before the Primary Examiner.

FOR WHAT GRANTED.

The statutes of the United States provide that any person (and this includes citizen or alien, man or woman, adult or minor)

who has invented or discovered any new and useful art, machine, manufacture or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, provided the art, machine, manufacture or composition of matter, or useful improvement thereof, was not known or used by others in this country, and not patented or described in any printed publication, in this or any foreign country, before his invention or discovery thereof, and not in public use or on sale for more than two years prior to his application, unless the same is proved to have been abandoned.

WHAT A PATENT GRANTS.

Patents of the United States confer upon the patentee, his heirs and whomsoever he may authorize, the exclusive right to make, use and vend the patented invention, throughout the United States and the Territories thereof, for the term of seventeen years.

WHO SHOULD APPLY.

The inventor, if living, must make the application, or, if there are two or more inventors of the same invention, all must join and one joint patent will issue to all of them.

If the inventor die before application, his executor or administrator must make the application, and the patent will issue to such executor or administrator.

If the inventor die while the application is pending in the Patent Office, the death of the inventor should be suggested, the appointment of an executor or administrator shown, and the patent will issue to such executor or administrator. This is essential, as a patent granted to a dead man is void.

WHEN TO APPLY.

It is a rule that the law rewards the vigilant, and an application for a patent should be filed in the Patent Office as soon after the invention is completed as possible, in order to avoid the appropriation of the invention and an application for a patent thereon by another person, and the attendant expense,

delay and trouble of proving priority of invention in an interference proceeding in the Patent Office. It certainly costs no more to apply at once for the patent, and perhaps a great deal less, than to delay the application.

The law, it is true, allows a term of two years, during which the invention may be in public use and on sale, but it is by no means advisable to delay for the full time allowed by law.

By a statute taking effect on January 1, 1898, it is provided that a patent shall not be refused or declared invalid because the inventor, his legal representative, or assigns may have obtained a patent in any foreign country, unless more than seven months have elapsed between the filing of the application for such foreign patent and the filing of the application for a United States patent.

This statute removes the limitation upon United States Patents, which prior to its taking effect, expired with any foreign patent having an earlier date, or if there were several prior foreign patents, with the one first expiring.

THE APPLICATION.

The Application for a Patent consists of the formal Petition, Oath, Specification and Drawings, all of which are prepared by us with great care and with special regard to the rules and procedure of the Patent Office. The inventor should furnish us with all the information at hand relative to the operation, purposes, and special advantages of his invention, in order that the papers just mentioned may fully set forth all those points. Sketches, or photographs will ordinarily be sufficient to give us a complete idea of the construction of the device, but if a model is at hand it will materially assist us in thoroughly understanding the mechanical construction. Models should be sent to us by mail or express, pre-paid, and will be returned as soon as the application papers are prepared.

When the application papers have been prepared by us and properly executed by the inventor and the first Government Fee and our charges (a total of $45.00 in ordinary cases) have been paid, we file the application in the Patent Office, where it awaits its turn for examination in regular order.

As soon as the application is filed in the Patent Office the inventor may mark his invention with the words "Patent Applied For" or "Patent Pending," and from the time of such filing he is protected against the grant, without his knowledge, of a patent for the same invention to another person.

In due course of business in the Patent Office, the application is reached for examination and is taken up and acted upon by the Primary Examiner in whose charge that particular line of invention is. The Examiner may allow the applicant's claims on the first examination, he may allow a part and reject a part, or he may reject all; citing patents which he holds to anticipate applicant's invention as claimed in the specification, or, he may give other reasons for such rejection, all of which, reduced to writing is transmitted to us by mail, as the rules governing the practice of the Patent Office require that all business with that office be transacted in writing.

Upon the receipt of the Examiner's letter, or "action" as it is called, we carefully examine the references cited, compare them with the invention set forth in the application, consider the objections raised by the Examiner, make any amendments which seem proper and necessary, and use our best endeavor to overcome the objections urged, and to procure an allowance of the patent with the claims to which we believe our client is entitled. Our argument in this behalf, in conformity with the rule above alluded to, is reduced to writing and forwarded to the Patent Office, where it is filed with the application to which it appertains. After a short time it is reached by the Examiner, who again considers the case in the light of our written argument, and amendment (if any amendment was necessary) and a second "action" is had, wherein new references may be cited and further objections made. This "action" is promptly mailed to us, is met by argument or amendment, or both, and returned to the Patent Office for another action, and so on, until we obtain the allowance of what we consider our client entitled to receive, in order to secure to him the most ample protection which can be obtained, and, when this is secured, an allowance of the application is taken. The patent will then issue upon the payment of the Government final fee of $20.00.

Rockford, Illinois.

The work involved in the honest and conscientious preparation and prosecution of an application is arduous, and great care and much skill are required in its proper performance. It is much easier to procure a patent, as it is commonly done, having only limited claims, but if the inventor is wise he will be careful to intrust his business only to those attorneys whose integrity and experience insure careful and conscientious work, otherwise he may, and probably will, entirely waste his money on a weak and worthless patent.

The work described comes under the head of "prosecuting the application before the Primary Examiner," and is covered in all ordinary cases by the attorneys fee of $25.00, paid when the application is filed.

After the official notice of the allowance of an application for a patent by the Patent Office (of which we promptly notify our client), applicant may either remit to us the final Government Fee of $20,00, to be paid to the Patent Office at once for the immediate issue of the patent, or he may delay for a period of six months from the date of the official notice of allowance before paying that fee, during which time the allowed application will be held in secrecy in the Patent Office.

This period of six months gives an opportunity to make application for any foreign patents which the inventor wishes to obtain, and permits the foreign patents to be issued in such a manner and at such time as not to limit the term of the United States patent.

We will advise particularly and without charge upon this point if foreign patents are desired, instructing clients how to proceed and assisting them in the selection of the most desirable foreign countries in view of the nature of their inventions.

TO WHOM ISSUED.

The Government will issue a patent to the inventor, or, if an assignment of his interest is of record at or before the time of the payment of the government final fee, the patent will be issued to such assignee, or, if the assignment be of an undivided interest instead of the whole, the patent will issue jointly to the inventor and the assignee according to their respective interests. If

the inventor die during the pendency of the application the patent will be issued to his legal representatives. Independent inventors or those who invent separate and independent improvements on the same machine cannot obtain a joint patent for their separate inventions. In order to be entitled to a joint patent they must both contribute ideas to the invention, but if they have made independent inventions, each may apply for a patent on his separate improvement, receive a separate and distinct patent therefor, and if each so desires, assign an undivided interest in each patent to the other, thus becoming joint owners of the separate inventions.

If one of two joint inventors applies for and obtains a patent on the joint invention, independently of the other joint inventor, the patent so obtained is void and has no force in law; and likewise, if one who has no part in the invention joins with the sole inventor and obtains a joint patent on what is in reality the sole invention of one only.

The fact that one person furnishes the capital to complete an invention, or pays the expenses of obtaining a patent therefor, does not constitute him a joint inventor, or entitle him to join in the application with the true inventor; the latter must make a separate application and assign the share agreed upon to the person who furnishes the capital.

THE CLAIMS OF A PATENT.

The claims of a patent are its life and force, and upon their breadth and scope its value depends. Each one is practically a separate and distinct patent by itself. One of several claims, may be infringed, suit may be brought under it, and a judgment for damages rendered against the infringer of the single claim. Sometimes certain claims of a patent are declared invalid and the patent then stands upon the remaining claims, and quite frequently licenses to manufacture under one or more of several claims are granted, reserving the others to the licensor.

Claims are construed in the light of the description in the specification, and with regard to the state of the art to which the invention appertains.

Rockford, Illinois.

The rights of the inventor, which it is the duty of the attorney to secure by suitable claims, are bounded and limited by the rights of the public and the rights of prior inventors under unexpired patents.

If the claims are drawn to protect only a fragment of the inventor's rights, that portion which is manifestly his, the Patent Office will usually allow such application, the patent will be issued, the attorney will have done just enough to secure his fee, and, unless the client is experienced in patent matters, he probably will be satisfied with the imperfect work; but there is another and better way; the attorney will claim for his client all of the invention, and, while this will necessitate a greater amount of labor for both the attorney and the Patent Office, and more skill in the discrimination between the exact rights of the client and those of other inventors, the patent which will thus be obtained, will be commensurate with the scope of the invention shown and described.

It is a rule of construction that everything which is described in the specification or illustrated in the drawings, and not reserved in the claims, is dedicated to the public, and the same is not covered by the patent.

Few persons, except patent attorneys, are sufficiently experienced to determine whether or not a patent properly covers the invention it describes, and the great majority of people must depend upon the honesty of the attorney employed to conserve their interests. Be sure, therefore, to employ only honest and skillful attorneys, paying them a reasonable compensation for their labor.

TIME REQUIRED TO OBTAIN A PATENT.

The work in the Patent Office is divided into thirty-two divisions, all of which are more or less in arrears with their work, the most forward being about a month behind and the most tardy between five and six months.

On this account it is impossible to state, with accuracy, how long a time will be necessary to procure an allowance on any particular application, especially without knowing in what class

the invention falls. However, we exercise great care in the preparation of the application papers and promptly attend to correspondence, which enables us to obtain a patent as quickly as it can properly be procured by any one. In this connection it may be said that, while we give expedition its proper weight, we do not sacrifice the scope and strength of a patent and its claims to the matter of the early issuance from the Patent Office. Frequently a little delay will very materially profit the inventor by adding one or more good claims to his patent, and when this can be done we would ordinarily advise the delay.

PRELIMINARY EXAMINATION.

Sometimes the inventor desires to have a special search made among the patents, for similar inventions, in the Patent Office at Washington, to ascertain if any have already been granted which would conflict with his invention or prevent the issuance of a patent to him. When such search is ordered, we carefully examine the patents in the proper classes and report to our client, giving him our opinion and furnishing him with copies of the patents which most nearly approach his invention. For this search we charge a fee of $5.00. We cannot, however, guarantee its accuracy, as there is such a diverse classification of inventions in the Patent Office, and nearly 600,000 patents are on file in the several classes. Caveats and pending applications are held in secrecy and cannot be inspected, and foreign patents are sometimes cited, against all of which care and diligence cannot guard in making a search. But we employ as examiners only men qualified by age and experience to make careful, conscientious searches, and *do* guarantee to give as thorough a search as can be made for the small fee charged. The fee paid for this search does not apply on the patent fee in any case.

PATENTS FOR DESIGNS.

Patents are granted to any person, who by his own industry, genius, efforts and expense has invented and produced any new and original design for a manufacture, bust, statute, alto-relievo or bas-relief; any new and original design for the printing of

woolen, silk, cotton, or other fabrics; any new and original impression, ornament, pattern, print, or picture to be printed, painted, cast, or otherwise placed on or worked into any article of manufacture; or any new, useful, and original shape or configuration of any article of manufacture, the same not having been known or used by others before his invention or production thereof, nor patented nor described in any printed publication.

Manufacturers in all lines of trade now commonly protect their product by both mechanical and design patents, the former relating to the mechanical construction and the latter to the conformation or shape of the product. Tools, the frames of machines, the peculiar shape or curve of any part, as well as ornamental devices are the proper subjects for design patents. Articles of jewelry and the handles for tableware are also common subjects for such patents.

As a design patent relates only to the shape of the article, the material of which it is composed, or its uses and purposes, have no part therein.

Design patents are infringed by the manufacture of such an imitation of the patented article as would deceive the eye of the ordinary purchaser. The law is construed very liberally by the courts in favor of the Design patent in infringement suits, and, as a result, such patents are employed to give protection to many important inventions.

Design patents are granted for terms of three and one-half, seven, and fourteen years, but the inventor must elect which of these terms he will take, as the grant once made will not be extended from a short term to the longer periods allowed by law.

The fees for obtaining a Design patent are as follows; Government fee, payable on application, for a term of three and one half years, $10.00; for seven years, $15.00; for fourteen years, $30.00. Our fee is $25.00, regardless of the length of the term of the patent, and $5.00 for each sheet of official drawings, one sheet being usually sufficient to properly illustrate the design.

If the article is not too large and heavy, it should be sent to us for the preparation of the drawings and papers.

MARKING ARTICLES "PATENTED" ETC.

The law provides that all patented articles shall be marked with the word "Patented," together with the day and year the patent was granted, or, when from the character of the article this cannot be done, by affixing to the article, or the package inclosing one or more of them, a label containing a like notice. A failure to so mark patented articles will prevent the recovery of damages, unless it is shown that the defendant was duly notified of the infringement and continued after such notice to make, use or sell the article so patented.

After an application for a patent has been filed in the Patent Office, the inventor has a right to mark his invention with the words "Patent Applied For," or "Patent Pending," and he is usually quite safe in putting the invention upon the market for sale when so marked, for, though he cannot sue infringers, stop their wrongful manufacture and sale of his invention before his patent issues, or collect damages therefor accruing prior to the date of his patent, still, as the infringer does not know how soon the patent may be issued, and his unauthorized use of the invention stopped, he usually does not care to build a business and make an investment of capital upon such a poor foundation.

REISSUES.

If a patent is inoperative or invalid by reason of a defective or insufficient specification or by reason of the patentee claiming as his invention or discovery more than he had a right to claim as new, a reissue will be granted to the original patentee, his legal representatives or the assignee of the entire interest, providing the error in the original specification has arisen through inadvertance, accident or mistake, and without any fraudulent or deceptive intention.

Such reissue may be obtained by the original patentee, his legal representatives or the assigns of the entire interest, but the inventor must make the application and make oath to the specification for the reissue if he be living.

A copy of the original patent or its date and number should be forwarded to us, together with a statement of the points

wherein the patent is defective, and we will examine it with a view to the propriety of making application for a reissue.

We will advise in reissue cases, making only reasonable charges, which will be stated and agreed upon before we proceed with the work.

New matter cannot be introduced into a reissue. Any improvement or addition thereto must be the subject of a separate patent.

REJECTED APPLICATIONS.

We give prompt and special attention to the prosecution of rejected or involved cases that have been prepared by the applicant personally or by other attorneys.

We will make our charges reasonable in such cases, stating the amount thereof before the work is undertaken.

Our facilities are equal to the best, and we can obtain patents if allowable by the Patent Office.

RENEWAL OF ALLOWED CASES.

Applications which have been examined and allowed by the Patent Office, but in which the final Government Fee of $20.00 has not been paid within the time allowed by law, may be renewed, upon the payment of an additional Government Fee of $15.00, but such renewal must be made within two years after the date of the allowance of the original application. We attend to the prosecution of renewal applications and charge a reasonable fee for the work involved, the amount of which will ordinarily be agreed upon before the work is undertaken.

CAVEATS.

A caveat, under the patent law, is a notice given to the Patent Office of the caveator's claim as inventor, in order to prevent the grant of a patent to another person for the same alleged invention, upon an application filed during the life of the caveat, without notice to the caveator.

When an inventor desires further time to perfect his invention, yet fears that a patent may be applied for and issued to a

subsequent inventor, he may file in the United States Patent Office, a caveat, which comprises a general description of the invention, as complete as the circumstances of the case permit, with drawings and his oath of invention. Any citizen of the United States or any alien who has resided in the United States one year preceding the filing of the caveat, and has made oath of his intention to become a citizen, may obtain a caveat.

A caveat is filed in the confidential archives of the Patent Office and there preserved in secrecy. It is in force for the term of one year, and may be renewed from year to year thereafter. If not renewed at the expiration of any term, it is still preserved in secrecy in the Patent Office.

If at any time within one year after the filing or renewal of a caveat, another person shall file an application for a patent upon an invention which would in any manner interfere with the invention set forth in the caveat, then such application will be suspended and notice thereof sent to the person filing the caveat. Within three months from the receipt of this notice the caveator should file his complete application for patent, when his application will be placed in interference with the conflicting application and the question of priority of invention between the two inventors settled. The caveat may be used by the caveator as evidence of his invention. An article upon which a caveat has been filed may be marked with the words "Caveat Filed." It does not, however, grant any of the rights which a patent affords, and the fees paid to secure the caveat do not apply on patent fees.

The total cost of securing a caveat in ordinary cases is $25.00, of which $10.00 is the Government Fee, $5.00 fee for drawings and $10.00 our fee. Send sketches or photographs of the invention with full description and fees as above, and we will at once prepare the drawings and the papers for the inventor's signature.

COPIES OF PATENTS.

We can supply copies of patents granted since August 27, 1861, and of all drawings belonging to patents issued prior to that date, if in print, at the rate of five cents each and the necessary postage.

Rockford, Illinois.

The specifications of patents issued prior to August 1, 1861, have not yet been printed by the Patent Office, but we will prepare written copies of any of such patents desired for a reasonable charge.

In ordering copies give the number and date of the patent and the patentee's name, and forward the money with the order. If you have not the data mentioned we will make a search for the patents desired for a reasonable charge.

APPEALS.

While we have usually found the Examiners in the Patent Office fair and liberal in the allowance of applications for patents, there are sometimes cases wherein we deem an appeal advisable. An appeal from the final rejection of the Primary Examiner lies to the Board of Examiners-in-Chief. The Government Fee for taking this appeal is $10.00. Our fee for taking and conducting an appeal and preparing the necessary written argument and brief is usually $15.00. We will advise the amount of the charges before undertaking the work.

From the adverse decision of the Board of Examiners-in-Chief an appeal lies to the Honorable Commissioner of Patents in person, for taking which a Government Fee of $20.00 must be paid. Our usual fee for this appeal is $25.00. We will state the amount of our fee before an appeal is taken.

The law permits a further appeal by the party aggrieved, from the decision of the Commissioner to the Court of Appeals of the District of Columbia, which appeal is taken and proceedings had in conformity with the rules of that court.

As before stated, however, appeals in our practice are rather the exception than the rule, and the inventor need not ordinarily consider such expense as at all probable in the conduct of his case by us. Not a little depends upon the care bestowed in the preparation of the case before filing, and we aim to so prepare the papers that the invention will be clearly understood in the Patent Office, and the merits of the device will be manifest upon even a casual examination. We find that the time expended in this direction is profitable to ourselves and is appreciated by our clients.

Morrison & Miller,

INFRINGEMENT.

The rights granted by letters patent are infringed when any person unlawfully makes, uses or sells the patented article, process or machine, covered by any one or more of the claims of the patent, without the consent of the patentee or owner. The making of a patented article merely to test the sufficiency of the patent, to determine if the patented device is operative, with a view to improve upon the patented invention, or for other purposes of private investigation is not infringement. Likewise it is not infringement to apply for and take out a patent for an improvement upon the invention covered by a previous patent, indeed, many of the most successful and valuable patents are such. It frequently occurs that a slight improvement upon a patented device makes an impracticable idea a successful invention. Some arrangement can always be made to acquire the right to make such a device; or, perhaps the question of infringement may never arise, which is more often the case.

Our long and extensive practice before the United States Courts in infringement matters specially fits us to advise on such questions. Our charges will be made reasonable for the time and labor necessarily expended.

TRADE-MARKS.

Manufacturers and dealers have found it profitable to mark or stamp upon their goods certain distinctive words, signs, symbols, pictures, figures, autographs or monograms, which, being attractive to the eye, soon become known to the purchaser and the public in general, and goods bearing that peculiar mark are preferred and asked for, and thus the mark becomes of great value to its owner and its wrongful use by another a great damage to him as well as a fraud upon the public, which, seeing the familiar mark, believes that it is obtaining the goods of the person, firm or corporation that originated such distinctive mark. Such is a Trade-Mark, and such its object and uses. It must not be descriptive of the quality of the article upon which it is placed, but fanciful and arbitrary. The name alone of the applicant cannot be registered as a trade-mark, but his name

with a mark or design, may become the proper subject for trade-mark protection.

The statute provides that any person, firm or corporation may obtain registration of Trade-Marks in the United States. The term of registration is thirty years, and this period may be extended for thirty years longer, but application for such extension must be made during the six months prior to the expiration of the first term of thirty years.

The registration of a Trade-Mark is *prima facie* proof of the ownership of the mark.

To secure registration of a Trade-Mark, the mark or a sketch thereof should be submitted to us, together with the name of the owner, his place of residence, place of business and citizenship; the class of merchandise and the particular description of goods comprised in such class, to which the trade-mark has been appropriated. When the owner is a corporation, in the State which incorporation was had should be named, and the name of its President, Secretary or other officer given. When a copartnership owns a trade-mark the name of each partner should be mentioned, with the place of residence of each, and the place where the firm has its principal office or place of business.

It is necessary, under the law, that the trade-mark should have been in use in commerce with foreign nations or Indian tribes, but this requirement is satisfied by a shipment of a sample bearing the trade-mark to a person in Canada or other foreign country, or to an Indian agent.

The cost of obtaining registration of a trade-mark is $50.00, of which $25.00 is the Government fee, $20.00 the attorney's fee, and $5.00 the cost of one sheet of drawings.

We will make a search to ascertain if any particular trade-mark is new upon the payment of $5.00.

A trade-mark is assignable by an instrument in writing, and such assignment should be recorded in the Patent Office.

The laws of the principal foreign countries provide for the registration of trade-marks, and the fees for such registration are very reasonable. We will be glad to name the cost of such protection for any particular country.

COPYRIGHTS.

The author, inventor, designer or proprietor of any book, map, chart, dramatic or musical composition, engraving, cut, print or photograph or negative thereof, or of a painting, drawing, chromo, statue, statuary, or model or design intended to be perfected as works of fine arts, may obtain a copyright thereon.

No publication of the subject for copyright must be made before the application therefor, and a formal legal notice must be given of the copyright in every copy published.

The term of a copyright is twenty-eight years, which may be renewed for a further term of fourteen years by the author or designer, or his widow or children.

Copyrights are assignable by a written instrument. Such assignment should be recorded in the office of the Librarian of Congress within sixty days from its execution. Our charge for preparing and recording an assignment of a copyright is $3.00, which includes the recording fee.

In order to procure a copyright, we must have a sketch of the title-page of the book, or the title of the map, chart, composition, etc.; if a periodical, the date and number must be sent.

No later than the day of the publication, in this country or abroad, two complete copies of the best edition of each book or other article, must be delivered or deposited in the mail prepaid, within the United States, addressed: Librarian of Congress, Washington, D. C., to perfect the copyright.

Penalty labels will be furnished by means of which these two copies may be sent free by mail (not express), without limit of weight, to the Librarian.

Our charges for obtaining a copyright are $3.00.

LABELS.

The law provides that labels and prints may be registered in the Patent Office.

A label is a device or representation borne by an article of manufacture or vendible commodity, as, for instance, a slip of paper affixed thereto, or to the package containing the article, to denote the name of the manufacturer, place of manufacture,

directions for use, etc. A label cannot be registered if it bears a device capable of sequestration as a trade-mark until after such device is registered as a trade-mark.

A print is a device or representation not borne by an article of manufacture or vendible commodity, but in some fashion pertaining thereto,—such, for instance, as a pictorial advertisement thereof.

Both labels and prints, in order to be entitled to registry, must be intellectual productions in the degree required by the copyright law, and, like copyrights, must be registered before publication or the registration is invalid.

Registration of labels and prints may be had for a term of twenty-eight years. Five copies of the print or label must be sent us, to be filed in the Patent Office.

The recent holdings of the United States Courts have acted practically as a bar to the registration of labels, as such, on account of the fact that most labels contain the features of trade-marks, making it necessary to first register them, as such. A letter of inquiry, directed to us, submitting the label upon which protection is desired, will receive a prompt reply with advice upon the point in question and directions how to proceed to secure the proper protection.

The entire cost of obtaining registration for a label or print (providing the matter can be registered as such), is $25.00, which sum includes all Government fees.

ASSIGNMENTS.

Every patent, or any interest therein, is assignable in law by an instrument in writing. The owner of a patent may also grant the right to make and use the patented article throughout some specified part of the United States, he may mortgage his interest in the patent, or license others to manufacture under his patent.

An assignment, grant, mortgage or license should be recorded in the Patent Office within three months from its date, in order to be valid against any subsequent purchaser or mortgagee, for a valuable consideration, who has not had notice thereof. It

should also be acknowledged before a Notary Public, or other officer authorized to take acknowledgments, and the certificate of such acknowledgment, under the hand and official seal of such officer, will be *prima facie* evidence of such assignment or other conveyance.

The invention, or any part thereof, may be sold by the inventor, either before or after his application for a patent, and the patent will be granted in accordance with such sale, providing the written assignment be filed for record in the Patent Office.

It is of vital importance that assignments, grants, mortgages, licenses, etc., be drawn with accuracy and skill, and the experience of a patent attorney is a valuable safeguard, especially in drafting licenses on royalty where there are many points of seeming insignificance, but which are in reality of considerable, and perhaps of vital importance,

Our fees for preparing assignments, grants and mortages are ordinarily $3.00 each, including the recording fees. For preparing licenses on royalty and like instruments, and in advising therein, our charges will be reasonable for the time and labor consumed.

Send us names and places of residence of the parties, the date and number of patent or application, and full particulars, together with the fee above named, and, if either an assignment, grant or mortgage is desired the papers will be prepared and returned immediately for execution ; if a license is wanted it will be prepared and the amount of our charges stated.

Copyrights, Labels and Trade-Marks are assignable by instruments in writing. We will prepare an assignment for any one of these, file the same for record and pay the recording fee for $3.00. Letters requesting the preparation of assignments should instruct us as to the name and place of residence of each of the parties to the transaction, a designation by title and number of the copyright, label or trade-mark, the interest intended to be assigned, and the consideration to be expressed, which latter may be the nominal sum of One Dollar as well as the actual consideration. A Draft, Express or Money Order covering our fee should be inclosed.

TOTAL COST OF PATENT, ETC.

The following tabular statement of the total cost of patents, etc., refers to ordinary cases only.

PATENT FOR MECHANICAL INVENTION.

First Government Fee	$15.00
Attorneys' Fee	25.00
Official Drawings (one sheet)	5.00
Final Government Fee	20.00
	$65.00

PATENT FOR DESIGN.

	3½ Years.	7 Years.	14 Years.
Total Government Fees	$10.00	$15.00	$30.00
Attorneys' Fees	25.00	25.00	25.00
Official Drawings	5.00	5.00	5.00
	$40.00	$45.00	$60.00

PATENT FOR COMPOSITION OF MATTER, MEDICAL OR OTHER COMPOUND.

Government Filing Fee	$15.00
Attorneys' Fee	25.00
Government Final Fee	20.00
	$60.00

FILING CAVEAT.

Government Fee	$10.00
Attorneys' Fee	10.00
Official Drawings	5.00
	$25.00

REGISTRATION OF TRADE-MARK.

Government Fee	$25.00
Attorneys' Fee	25.00
Official Drawings	5.00
	$55.00

ATTORNEYS' FEES.

In ordinary cases, our fees will be as follows :

For preparing, filing and prosecuting application for mechanical patent, design patent, patent for composition of matter, or medical or other compound, before Primary Examiner.....$25.00

NOTE. This fee of $25.00 for ordinary applications is, in the great majority of cases, the only fee to be paid to us, and, unless interference is declared, appeal is necessary, or other extraordinary matters arise, this fee, together with the Official drawings and first Government fee are the only expenses until the patent is allowed by the Patent Office. See "Total Cost of Patent, etc.," page 22.

For preparing and filing application for Trade-Mark.....$25.00
For preparing and filing Caveat..... 10.00
For preparing and recording Assignment..... 3.00
For securing Copyright..... 3.00
For Official Drawings, per sheet..... 5.00
For Appeal to Board of Examiners..... 15.00
For Appeal to Commissioner..... 25.00
For Preliminary Examination..... 5.00

When the work involved requires a greater charge we will notify clients before the work is undertaken, and, where it is possible, will state the exact amount thereof.

HOW TO SEND MONEY.

In sending money to us use Chicago draft, certified check, money order, or express order. These insure almost absolute protection to the sender. By using them there is practically no chance for the loss of the money remitted.

FOREIGN PATENTS

AS INVESTMENTS FOR AMERICAN INVENTORS.

We are frequently asked by our clients, when procuring domestic patents, as to the advisability of securing patents upon their inventions in foreign countries, and, by our researches, have become somewhat familiar with the conditions existing in the principal foreign countries of the world.

Of course no general rule can be laid down which will be applicable alike in all cases; some inventions which, perhaps, are valuable in this country, are not adaptable to the conditions existing in any other country, while other inventions might find their most profitable field in foreign lands.

American inventors are known for their ingenuity, and American machinists for their skill and accurate workmanship throughout the world. That an invention or machine comes from the United States is, in itself, a recommendation, and affords a reason for its preference; for all nations recognize that American genius stands at the head in the world's sharp competition.

An inventor is not usually taking great risks in obtaining the patents of a number of the principal foreign countries, for he can almost certainly sell the patents for more than their cost, and, if the invention proves of considerable value, a few foreign patents will add greatly to his income and will bring him handsome returns upon their sale.

It is true the question upon Foreign Patents arises when the invention is yet new, and before an opportunity to test its salability in the home market has been had; but our experience and facilities will be turned to the assistance of our clients, and we can usually advise, at least after an investigation, in what countries it would be most profitable to secure patent protection.

In some of the foreign countries a valid patent may be taken out after the United States Patent is issued, while in others the

publication attendant upon the issue of the patent in this country precludes a valid patent in such foreign country.

We mention below some of the most important foreign countries giving the substance of their patent laws.

CANADA.

Canada is one of the most important as well as the most convenient foreign country for the United States inventor. It lies so near our borders, and its people, in custom and habit, are so nearly like ours, that usually a patent that finds a ready market here will meet with an active demand in the Dominion. The term of the Canadian patent, also, is favorable, being eighteen years, and the cost for procuring it not excessive. Payment of the Canadian Government fee is permitted to be made in three equal installments due at intervals of six years, which permits the inventor to test the success of his invention before investing the fee for the full term of eighteen years.

The laws of the Dominion follow quite closely the laws of our own country. The territory covered comprises the Provinces of Ontario, Quebec, New Brunswick, Nova Scotia, Prince Edwards Island, Manitoba and British Columbia.

The entire expense for applying for a Canadian patent for a term of six years is $50.00 for the ordinary case, and this includes our charges and the Government fees for the six year term. Renewals of this term may be had by the owner of the patent upon the payment of $25.00 for a further six years, and this term is subject to another six year extension upon the payment of a like sum. If the inventor prefers to take out a patent for the complete term of eighteen years the cost will be $90.00 including our charges and the Government fees for the full term.

The application for a Canadian patent must be filed within one year from the date of issue of the United States or other foreign patent.

If an inventor in the United States is at all certain that he will want a Canadian patent he should, within three months following the date of issue of his United States patent, apply for Provisional Protection, in Canada, or make application for his

Canadian patent, otherwise, any one who commences the manufacture of his invention in the Dominion, may continue to do so, notwithstanding a patent may be subsequently obtained by the inventor.

Provisional protection for one year against the rights of others to manufacture may be procured at a cost of $5.00, which includes our charges and the Government fees.

During the first year of the patent the owner thereof may import the patented articles, manufactured in the United States, but in order to continue such importation, for a further year permission must be indorsed on the patent. We attend to having this done for a moderate charge. When the first year, or any extension of the period for importation has expired manufacture of the patented article must be commenced in Canada, but the extension of the period for importation may be had for a third year if some good reason can be shown therefor. We will attend to such extension for a reasonable charge.

Caveats under the Canadian patent law are very similar to ours. The total cost of filing a caveat in the Dominion is $20.00.

GREAT BRITAIN.

British patents are granted for a term of fourteen years, and if dated on or after January 1, 1884, are not limited by the earlier expiration of foreign patents.

British patents cover England, Scotland, Ireland and Wales and the Isle of Man, not extending, however, to the Channel Islands or to the British Colonies or dependencies.

Letters Patent of Great Britain are granted on the allegation of the applicant that the invention is new, no examination being made by the Government, but if such allegation is not true, the patent may be declared invalid in the courts, as, if prior to the application for a patent the invention had been patented in Great Britain, or had become publicly known in that country.

The inventor, alone or with others, may apply for and obtain a patent, though he has no assignable rights in the invention until patent is issued to him. If the inventor die, before

applying for a patent, his legal representative may make the application, if made within six months after his decease.

The expense of applying for a British patent is $50.00, which includes our charges and all fees and taxes for the term of the Provisional Protection, a period of nine months.

A second installment of $50.00 is necessary to be paid to us in time to be transmitted to London during the nine months, which provides complete protection, and the patent will then be issued to the inventor. The payment of the above mentioned sum of $100.00 may be made at the outset, and the danger of the lapsing of the patent for non-payment of the fees will thus be avoided.

At the end of the fourth year a tax of $30.00 is payable, increasing $5.00 annually. The patent, though granted for a term of fourteen years, ceases if any tax is not duly paid.

No working of the invention is required. No model is necessary in the application.

FRANCE.

A French patent covers France and all her colonies. The term of the patent is fifteen years, and cannot be extended except by act of Parliament. The term is limited to expire with that of a prior foreign patent, or the one having the shortest term, if there be several.

Ordinarily only the inventor should apply for the patent.

The patent is issued about four months after application, though the term begins to run on the date of filing the application papers.

There is no examination in the French Patent Office to ascertain if the invention is new, and no model is required.

The cost of securing a French Patent is $100.00, which covers all expenses and Government taxes for the first year.

Application must be made before the invention has been fully published in France or elsewhere.

GERMAN EMPIRE.

The term of a German Patent is fifteen years. It covers all the German States, including Prussia, Saxony, Baden, Bavaria, Hanover and Wurtemburg, The application must be

made before the issue of the United States Patent, or before publication of the invention is made in any printed publication, or it is publicly used in Germany.

The examination as to the novelty of the invention in the German Patent Office is quite strict.

Patents for additions may be had. These are intended to cover improvements on the original patented invention.

The cost of a German Patent is ordinarily $100.00 and this sum includes the first year's Government tax.

THE "USEFUL MODEL" PATENT.

This patent is intended to cover inventions of a minor kind. Its term is six years and its cost $90.00, including all taxes. If the applicant desires, $65.00 may be paid when application is made and $25.00 as a renewal fee before the expiration of the third year of the patent.

In view of the rigid examination made by the German Patent Office, it is often advisable to apply for the two kinds of patents together, and if the first for the longer term will not be granted, the second for a term of six years may almost always be had. The expense for such double application is not greatly in excess of the amount required for the regular fifteen years patent.

AUSTRIA.

Austrian patents are granted for a term of fifteen years, but will expire with the expiration of prior foreign patents having a shorter term.

Application should be made before the invention is published or used in the Austro-Hungarian dominions.

The total cost of an Austrian patent, including all expenses and Government taxes for one year, is $100.00. The invention must be worked within one year from the date of the patent in order to maintain the patent in force.

SPAIN AND CUBA.

Spanish patent cover Spain and all her colonies, and are granted for a term of twenty years, if application is made while the invention is unknown in the Spanish dominions, but, if the invention is publicly known in such dominions, and a patent has

been obtained in other countries, the patent will have a term of only ten years, and it must be applied for within two years after obtaining the foreign patent. In event more than two years have elapsed the Spanish patent will be issued for a term of five years.

The application may be made and the patent will issue to the inventor, or to other persons or to a company or firm.

A small annual tax is levied on the patent.

The total cost for obtaining the patent including a first annual tax is $100.00.

BELGIUM.

Belgiam patents are granted for a term of twenty years, but will expire with a prior foreign patent, if any there be, having the longest term, not the shortest term as is the usual provision.

The inventor, or his assignee, or the executor, administrator or heir of either, may apply for the patent.

The patent law of Belgium is substantially the same as that of France. A patent may be had in Belgium even after a foreign patent has been issued, if the invention has not already been worked or made publicly known in Belgium. The cost of a Belgiam patent is $80.00.

ITALY.

The term of an Italian patent is fifteen years, but it expires with any prior foreign patent or with the foreign patent having the longest term, if there are several. A valid patent in Italy can be obtained if the invention has not been made known abroad or worked or imported into Italy. Publication by patent authorities of other countries, as in the Patent Office Gazette, will not invalidate such patent. The inventor or his assignee may apply for and obtain a patent.

The expense of obtaining an Italian patent is $100.00, which includes the Government fee for the first year. A small annual tax is assessed upon the patent.

NORWAY.

The term of a Norwegian patent is fifteen years. The inventor or his assignee may apply for and obtain a patent.

A valid patent may be obtained if the invention is not sufficiently well known to be practiced by others. Working of the patent must be proved within three years.

A patent may be applied for in Norway at any time within six months after the date of a foreign patent. The cost of this patent is $90.00.

SWEDEN.

The term of a Swedish patent is fifteen years. The inventor or his legal representatives may apply for the patent.

Such a published description of the invention, anywhere in the world, as will enable it to be put into practice will invalidate the patent, if such publication is made before application for the patent, but the publication by foreign patent authorities will not invalidate, if the application is made in Sweden within six months after such publication. The cost of a Swedish patent is $90.00.

DENMARK.

The term of a Danish patent is fifteen years and is independent of the life of prior foreign patents, but cannot be validly obtained if the invention has been thoroughly described in a printed publication, or used in Denmark previous to the application. Only the inventor or his assignee may apply for and obtain the patent. The cost of a Danish patent is $90.00.

HOLLAND.

The laws of Holland do not provide for the granting of patents, therefore no patents are issued by that government.

FOREIGN PATENT LAWS IN GENERAL.

In some few particulars the patent laws of foreign nations differ quite widely from those of the United States, and for a more complete understanding of the subject, the following may be of assistance:

The patent privilege, though substantially the same in legal effect as ours, is divided, in most foreign countries, into the following classes:

First. Patents of Invention, which are the same as those granted by our own country, Canada and Great Britain.

Second. Patents of Importation, which are practically the same in every respect as Patents of Invention, but denote that the particular invention, the subject of the patent, has been previously patented in some other country, and, usually, that the Patent of Importation will expire with that previous patent.

It is ordinarily immaterial, however, whether the inventor asks for a Patent of Invention or Importation, when he already has a foreign patent, as the laws of most of the countries provide that either kind of patent shall expire with the expiration of a prior foreign patent, or, if there are several, at the expiration of the one having the shortest term.

Third. Patents of Addition or Improvement are granted only to the patentee in a Patent of Invention or Importation, for some improvement or addition to the invention covered by the principal patent.

As a general rule Patents of Addition are subject to no yearly or other taxes. They usually expire with the principal patent and serve a great convenience in permitting a patentee, from time to time, to protect any minor improvement he may make, at a less expense than for a new patent.

EXPIRATION OF PATENTS.

The laws of most of the foreign countries provide that the patents of such country shall expire with the expiration of a prior patent for the same invention, obtained by the same patentee, in any country, and, if there be prior patents in several different countries, with the patent having the shortest term. In some countries, however, as Belgium and Italy, patents expire with the foreign patent having the longest instead of the shortest term.

WORKING.

The putting of the invention into practice within the country granting the patent, is required by the laws of certain foreign countries, but this "working," as it is called, may be done in a formal way at a small expense in nearly all the countries, and the law is thereby satisfied.

Rockford, Illinois.

TAXES.

In most of the foreign countries a small tax is imposed upon patents ; in some, the tax is payable annually, while in others it is not levied until after several years of the life of the patent have elapsed.

INFRINGEMENT.

The use of the patented invention by any person other than the patentee or one authorized by him, is, by law, severely punished in almost all of the foreign countries, usually by fine, but in some countries by forfeiture of property or imprisonment.

TRADE-MARKS.

The principal foreign countries provide by law for the registration of Trade-Marks, the fees therefor being quite moderate.

In the case of simple inventions this is sometimes adopted as the mode of securing protection, instead of taking out patents on the invention.

We will name the cost of Trade-Mark protection in any country granting it, upon request.

DESIGNS.

Designs are registered in many of the principal foreign countries, though usually for short terms, but at a low cost. The subject-matter protected by design patents abroad is substantially the same as in the United States.

The term and cost of a design patent in any country granting such protection will be mentioned upon request.

TO APPLY FOR FOREIGN PATENTS.

Notify us what countries are desired, and we will at once send the necessary papers for the proper signatures, together with full directions as to their execution. Send also date and number of United States Patent on the invention, or date and number of application, if still pending in the Patent Office, and, if no patent has been issued or application made, send full description and drawings of the invention, as full as would be necessary to prepare an application for a United States patent. We will attend to all details.

REFERENCES:

The Winnebago National Bank
Of Rockford, Illinois.

The Mercantile Agency of
R. G. Dun & Co.

The Commercial Agency of
The Bradstreet Co.

Rockford Silver Plate Co.,
Rockford, Ill.

Burson Manufacturing Co.,
(Automatic Knitting Machinery,)
Rockford, Ill.

Air Brush Manufacturing Co.,
Rockford, Ill.

Stover Manufacturing Co.,
Freeport, Ill.

Chicago-Rockford Hosiery Co.,
Kenosha, Wis.

The Geo. Warren Co.,
Warrens, Wis.

Plano Harvesting Machine Co.,
West Pullman (near Chicago), Ill.

THEO. W. CLARK CO., PRINTERS, ROCKFORD, ILL.

Morrison & Miller,

Solicitors of

American and Foreign Patents,

Attorneys and Counselors in Patent Causes,

124 South Main Street,

Rockford, Illinois.

Preserve this book for future reference. Perhaps you do not need it today, but tomorrow you may have an inventive idea and then you will want it. A postal will bring a copy to any address. Will you kindly suggest to us the names and addresses of a few inventors or other persons interested? ⁘ ⁘ ⁘ ⁘ ⁘